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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,122	01/13/2004	Wai-Fan Yau	AMAT/2592.C7/DSM/LOW K/JW	4554
44257 7590 11/07/2007 PATTERSON & SHERIDAN, LLP 3040 POST OAK BOULEVARD, SUITE 1500 HOUSTON, TX 77056			EXAMINER MALDONADO, JULIO J	
			ART UNIT 2823	PAPER NUMBER
			MAIL DATE 11/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/756,122	Applicant(s) YAU ET AL.	
	Examiner Julio J. Maldonado	Art Unit 2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-18 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The rejection as set forth in the office action mailed 09/25/2007 is withdrawn in view of the applicants' arguments.
2. The cancellation of claims 1-14 and 19-20 is acknowledged.
3. Claims 15-18 and 21-28 are pending in the application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-18, 21 and 23-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang ('572) in view of Matsuura (U.S. 6,124,641).

Chiang (Figs.15-25) teaches a method of forming interconnect structures including providing a substrate (320) having a contact (321) formed therein (Chiang, column 12, lines 52 – 63); depositing a first dielectric layer (322) on said substrate (320) (Chiang, column 13, lines 15 – 35); forming an etch stop layer (323) on said first dielectric layer (322) (Chiang, column 14, line 61 – column 15, line 4); forming a second dielectric layer (350) on said etch stop layer (323) (Chiang, column 15, lines 28 – 46); forming a photoresist layer (352) on said second dielectric layer (350) (Chiang, column 15, lines 48 – 58); and using said photoresist layer to form a contact hole (351) in said second dielectric layer (350) (Chiang, column 15, lines 59 – 62), wherein said first dielectric layer (322) and said second dielectric layer (350) may include any suitable

dielectric material or materials including silicon dioxide, silicon nitride, silicon oxynitride, phosphosilicate glass, borophosphosilicate glass, fluoropolymer, parylene, polyimide, any suitable spin-on glass, or any suitable spin-on polymer (Chiang, column 13, lines 15 – 35 and column 15, lines 28 – 46), and further forming a third dielectric layer (395) over said second dielectric layer (Chiang, column 21, lines 4 – 15).

Chiang fails to disclose forming the second dielectric layer using a low dielectric constant material. However, parylene, polyimide, for example, are known low dielectric constant materials. Therefore, Chiang teach upon the claimed invention.

Chiang fails to teach wherein the low dielectric constant organosilane layer is deposited in a plasma enhanced process from a mixture comprising a methylsilane compound and an oxidizing gas, the carbon content of the low dielectric constant oxidized organosilane layer is from 1% to 50% by atomic weight.

However, Matsuura (Figs.1a-1c) teaches a method of forming a dielectric stack including the steps of depositing on a substrate (1) a plurality of layers (3, 4, 5), wherein one of the layers (4) is a low dielectric constant oxidized organosilane layer comprising carbon, wherein the low dielectric constant oxidized organosilane layer (4) is deposited in a plasma enhanced process from a mixture comprising methylsilane and H_2O_2 in the presence of an RF power, the carbon content of the low dielectric constant oxidized organosilane layer is around 18% by atomic weight (See Fig.2, for example) (Matsuura, column 4, line 17 – column 5, line 46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chiang and Matsuura to

enable forming the low-k dielectric layers of Chiang according to the teachings of Matsuura because one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternative suitable methods of forming the second dielectric layer of Chiang and art recognized suitability for an intended purpose has been recognized to be motivation to combine (MPEP 2144.07) and because this would prevent a poisoned via from being formed in a resulting insulating film (Matsuura, column 2, lines 57 - 64).

The combination of Chiang and Matsuura fail to disclose wherein the carbon content of the low dielectric constant oxidized organosilane layer is from 1% to 50% by atomic weight. However, in the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists. MPEP 2144.05. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the carbon concentration in the dielectric layer of the combination of Chiang and Matsuura to arrive at the claimed invention.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang ('572) in view of Matsuura ('641) as applied to claims 15-18, 21 and 23-25, 27 and 28 above, and further in view of Chen (U.S. 5,970,376).

The combination of Chiang and Matsuura substantially teach the claimed invention but fail to disclose etching the low dielectric constant oxidized organosilane layer using fluorine, carbon, and oxygen ions. However, Chen (Figs.4-7) in a related method to form interconnect structures teaches the steps of forming a low dielectric layer (32) over a substrate (30), wherein said dielectric layer has the general formula

$R_1\text{-Si(OR}_2)_3$, wherein R_1 is hydrogen and R_2 is CH_3 ; and etching the low dielectric layer (32) using fluorine, carbon, and oxygen ions (Chen, column 4, line 66 – column 5, line 12, column 5, lines 34 – 56, column 7, lines 25 – 42, and column 8, lines 40 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chiang and Matsuura with Chen to enable etching the dielectric layer of Chiang and Matsuura according to the teachings of Chen for the further advantage of forming vias with attenuated lateral etching of said vias (Chen, column 4, lines 39 – 63).

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang ('572) in view of Matsuura ('641) as applied to claims 15-18, 21 and 23-25, 27 and 28 above, and further in view of Shu et al. (U.S. 6,348,421 B1, hereinafter Shu).

The combined teachings of Chiang and Matsuura teach wherein the low constant oxidized organosilane layer is formed with methylsilane with an oxidizing gas such as H_2O_2 (Matsuura, column 2, lines 57 – 64).

The combined teachings of Chiang and Matsuura fail to disclose wherein the oxidizing gas is either O_2 or N_2O .

However, Shu teaches a method of forming a low dielectric constant organosilane layers including an oxidizing gas selected from H_2O_2 and oxygen (Shu, column 3, lines 39 – 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the low dielectric constant organosilane layer of the combination of Chiang and Matsuura using the oxidizing gas disclosed in Shu

because it is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. See MPEP 2144.06.

Response to Arguments

8. Applicant's arguments with respect to claims 15-18 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion


9. Applicants are encouraged, where appropriate, to check Patent Application Information Retrieval (PAIR) (<http://portal.uspto.gov/external/portal/pair>) which provides applicants direct secure access to their own patent application status information, as well as to general patent information publicly available.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Julio J. Maldonado whose telephone number is (571) 272-1864. The examiner can normally be reached on Monday through Friday.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax number for this group is 571-273-8300. Updates can be found at <http://www.uspto.gov/web/info/2800.htm>.

Julio J. Maldonado
Patent Examiner
Art Unit 2823


Julio J. Maldonado
October 31, 2007


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